

LAW OFFICES

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Honorable Denise J. Casper
U.S. District Court Judge
U.S. District Court, District of Massachusetts
1 Courthouse Way, Boston, MA 02210

Date: April 13, 2020

VIA ECF

Re: SEC v Navellier & Associates, Inc. 17-cv-11633/ Notice of Appeal

Dear Judge Casper,

Out of an abundance of caution, Defendants today filed a notice of appeal from your February 13, 2020 order granting partial summary judgment (DKT#252) and the related March 26, 2020 order dismissing Counts Three and Four (DKT#266) and the April 2, 2020 order denying our motion for reconsideration/ new trial. (DKT#270) While Defendants do not believe there is yet a final judgment in this case, Defendants wanted to preserve their appeal rights, and avoid any possible claim that the orders are appealable orders, and that the time to appeal would run on April 13, 2020.

Notwithstanding the precautionary notice of appeal, Defendants will be filing their opposition to the SEC's Motion for Entry of Final Judgment (DKT#264) and the remedies sought therein on or before April 22, 2020 per the Court's March 4, 2020 order (DKT#257).

Respectfully Submitted,

/s/ Sam Kornhauser
Sam Kornhauser

c.c. Marc Jones, Esq.
Jennifer Cardello, Esq.
Steven Brooks, Esq.

Certificate of Service

I certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on April 13, 2020.

/s/ Dan Cowan
Dan Cowan